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The letter of the fetter

Is Common Cause the most powerful lobby in Washington? Could be. No other lobby has successfully ordered Congress to investigate the legality of a major foreign policy action by the administration.

In response to a letter from CC, the House Intelligence Committee has decided to hold hearings next month on assistance the National Security Council gave the Nicaraguan "contras" during the time when Congress was refusing to fund them. An NSC aide, it has come to light, gave tactical advice to "contra" leaders and provided information to private donors who asked how they could help the resistance in view of Congress's refusal to do so.

The CC letter asks the committee to investigate "whether the NSC activities violate the letter or the spirit of the law." This sort of "spirit" usually means the law in question distilled to its ideological essence as perceived by the ideologue doing the distilling.

The letter of the law — in this case, the Boland Amendment — is that "no funds available to the CIA, Department of Defense,

or any other agency or entity of the U.S. involved in intelligence activities may be obligated or expended for the purpose, or which would have the effect, of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual." This marginally grammatical congressionalese is broad, but not as broad as the "spirit" that CC and others would like to conjure up, which decrees that no person or agency associated with the U.S. government shall take any action which might have as its result the welfare of the Nicaraguan resistance movement.

Congress's power over foreign policy is an effect of its power over the purse, which is the only kind of foreign policy oversight it should exercise. It can tell the administration not to spend money on the "contras," but it should not forbid phone calls to them, and indeed it did not. If an NSC aide found a way to pursue the interests of the Free World while staying within the letter of the fetters that came from up the avenue, he is greatly to be praised.